

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re: _____) Chapter 11
)
EASTERN LIVESTOCK CO., LLC, _____) Case No. 10-93904-BHL-11
)
Debtor. _____)

**AGREED ENTRY RESOLVING TRUSTEE'S OBJECTION TO CLAIM 307
FILED BY GABRIEL MORENO**

James A. Knauer, as Chapter 11 Trustee (the "Trustee") for Eastern Livestock Co., LLC ("ELC") filed the Trustee's Objection to Claim 307 Filed by Gabriel Moreno [Docket No. 2081] (the "Claim Objection") on April 19, 2013. The Trustee and Gabriel Moreno ("Mr. Moreno" and together with the Trustee, the "Parties") desire to resolve the Claim Objection and Mr. Moreno's claim against ELC's estate on the following terms and conditions:

Recitals

1. Mr. Moreno filed a claim in the above-captioned Chapter 11 case (the "Chapter 11 Case") designated as proof of claim number 307 (the "Claim") on the official claims register maintained by The BMC Group, Inc. Pursuant to the Claim, Mr. Moreno asserts a secured claim in the amount of \$196,484.51 on account of the sale of cattle to ELC.

2. Mr. Moreno has also asserted claims to certain funds that have been interpleaded and are at issue in Adv. Proc. No. 11-59093 (the "Adversary").

3. The Court entered an order confirming the *Trustee's First Amended Chapter 11 Plan of Liquidation* [Dock. No. 1490] (the "Plan") on December 17, 2012. The Plan became effective on December 20, 2012. *See* Dock. No. 1675.

4. Pursuant to and as more particularly described and defined in the Plan, creditors of ELC could "opt in" by submitting a properly executed "Opt In Agreement" to Trustee's

counsel on or before the "Opt In Deadline". The creditors that chose to "Opt In" waived claims against Fifth Third and the Trustee in exchange for future distributions from the "Fifth Third Settlement Monies". Mr. Moreno submitted an executed "Opt In Agreement" and became an "Opt In Creditor" under the Plan.

5. The Trustee filed the Claim Objection on April 19, 2013, objecting to the classification of the Claim.

6. The Parties desire to clarify Mr. Moreno's status as an "Opt In Creditor" and the amount and nature of the Claim without the expense of further litigation. Accordingly, the Parties agree as follows:

Stipulation

7. The Claim shall be allowed as a general unsecured claim in the amount of \$196,484.51 (the "Allowed Claim"). The Trustee shall only object to the final allowed amount of the Allowed Claim if and to the extent Mr. Moreno obtains recovery from other sources, such as ELC's GIPSA bond. Otherwise, the Trustee shall not object to the Allowed Claim.

8. Mr. Moreno is classified as an "Opt In Creditor" with an Opt In Claim in the amount of \$196,484.51.

9. By entering into this stipulation, Mr. Moreno disclaims any rights to the funds interpleaded in the Adversary, and Mr. Moreno shall cooperate with the Trustee to dismiss, with prejudice, any and all claims asserted by or against Mr. Moreno in the Adversary. Mr. Moreno shall be dismissed from the Adversary.

AGREED:

By: /s/ Dustin R. DeNeal

Terry E. Hall (#22041-49)
Dustin R. DeNeal (#27535-49)
Faegre Baker Daniels, LLP
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
terry.hall@faegrebd.com
dustin.deneal@faegrebd.com
Counsel for the Trustee

By: /s/ Todd Johnston

Todd Johnston
Mcwhorter, Cobb And Johnson, LLP
1722 Broadway
PO Box 2547 (79408)
Lubbock, TX 79401

Counsel for Gabriel Moreno

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt davidabt@mwt.net	C. R. Bowles, Jr cbowles@ bndllegal.com	John Hunt Lovell john@lovell-law.net
Mark A. Robinson mrobinson@vhrlaw.com	Jeffrey R. Erler jeffe@bellnunnally.com	Edward M King tking@fbtlaw.com
Randall D. LaTour rdlatour@vorys.com	John R. Carr, III jrciii@acs-law.com	Bret S. Clement bclement@acs-law.com
Daniel J. Donnellon ddonnellon@ficlaw.com	Stephen A. Weigand sweigand@ficlaw.com	John Frederick Massouh john.massouh@sprouselaw.com
John W. Ames james@bndllegal.com	Robert Hughes Foree robertforee@bellsouth.net	Kim Martin Lewis kim.lewis@dinslaw.com
Jeremy S Rogers Jeremy.Rogers@dinslaw.com	Ivana B. Shallcross ishallcross@ bndllegal.com	Deborah Caruso dcaruso@daleeke.com
Meredith R. Thomas mthomas@daleeke.com	William Robert Meyer, II rmeyer@stites.com	Allen Morris amorris@stites.com
Charles R. Wharton Charles.R.Wharton@usdoj.gov	James Bryan Johnston bjtexas59@hotmail.com	James T. Young james@rubin-levin.net
David L. LeBas dlebas@namanhowell.com	Judy Hamilton Morse judy.morse@crowedunlevy.com	John M. Thompson john.thompson@crowedunlevy.com
Jessica E. Yates jyates@swlaw.com	John Huffaker john.huffaker@sprouselaw.com	Matthew J. Ochs kim.maynes@moyewhite.com
Laura Day Delcotto ldelcotto@dlgfirm.com	Kelly Greene McConnell lisahughes@givenspursley.com	T. Kent Barber kbarber@dlgfirm.com
Ross A. Plourde ross.plourde@mcafeetaft.com	Walter Scott Newbern wsnewbern@msn.com	Kirk Crutcher kcrutcher@mcs-law.com

Todd J. Johnston tjohnston@mcjllp.com	Timothy T. Pridmore tpridmore@mcjllp.com	Theodore A Konstantinopoulos ndohbky@jbandr.com
Karen L. Lobring lobring@msn.com	Sandra D. Freeburger sfreeburger@dsf-atty.com	Lisa Koch Bryant courtmail@fbhllaw.net
Elliott D. Levin edl@rubin-levin.net	John M. Rogers johnr@rubin-levin.net	John David Hoover jdhoover@hooverhull.com
Sean T. White swhite@hooverhull.com	Jay P. Kennedy jpk@kgrlaw.com	John R. Burns john.burns@faegrebd.com
Michael W. McClain mike@kentuckytrial.com	William E Smith wsmith@k-glaw.com	Kayla D. Britton kayla.britton@faegrebd.com
James Edwin McGhee mcghee@derbycitylaw.com	Thomas C Scherer tscherer@bgdlegal.com	David A. Laird david.laird@moyewhite.com
Jerald I. Ancel jancel@taftlaw.com	Jeffrey J. Graham jgraham@taftlaw.com	Trevor L. Earl tearl@rwsvlaw.com
David Alan Domina dad@dominalaw.com	Kent A Britt kabritt@vorys.com	Joshua N. Stine kabritt@vorys.com
Jill Zengler Julian Jill.Julian@usdoj.gov	Jeffrey L Hunter jeff.hunter@usdoj.gov	Amelia Martin Adams aadams@dlgfirm.com
Michael Wayne Oyler moyer@rwsvlaw.com	Jason W. Cottrell jwc@stuartlaw.com	Robert A. Bell rabell@vorys.com
James E. Rossow jim@rubin-levin.net	James B. Lind jblind@vorys.com	Melissa S. Giberson msgiberson@vorys.com
Steven A. Brehm sbrehm@bgdlegal.com	Anthony G. Raluy traluy@fbhllaw.net	U.S. Trustee ustregion10.in.ecf@usdoj.gov
James M. Carr james.carr@faegrebd.com	Jack S. Dawson jdawson@millerdollarhide.com	Dustin R. DeNeal dustin.deneal@faegrebd.com
Shawna M. Eikenberry shawna.eikenberry@faegrebd.com	Terry E. Hall terry.hall@faegrebd.com	Jay Jaffe jay.jaffe@faegrebd.com
James A. Knauer jak@kgrlaw.com	Erick P. Knoblock eknoblock@daleke.com	Harmony A. Mappes harmony.mappes@faegrebd.com
Christie A. Moore cm@gdm.com	Shiv Ghuman O'Neill shiv.oneill@faegrebd.com	Wendy W. Ponader wendy.ponader@faegrebd.com
Peter M. Gannott pgannott@gannottlaw.com	Eric C. Redman ksmith@redmanludwig.com	Joe T. Roberts jratty@windstream.net
Joseph H. Rogers jrogers@millerdollarhide.com	James E. Smith jsmith@smithakins.com	Robert K. Stanley robert.stanley@faegrebd.com
Andrew D. Stosberg astosberg@lloydmc.com	Kevin M. Toner kevin.toner@faegrebd.com	Andrea L. Wasson andrea@wassonthornhill.com
Christopher M. Trapp ctrapp@rubin-levin.net	Eric W. Richardson ewrichardson@vorys.com	Joshua Elliott Clubb joshclubb@gmail.com
Jennifer Watt jwatt@kgrlaw.com	Michael Benton Willey michael.willey@ag.tn.gov	

/s/ Dustin R. DeNeal